

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANTONIO ONATE, JR., on behalf of himself and
all others similarly situated,

Plaintiff,

v.

AHRC HEALTH CARE, INC.,

Defendant.

Case No.: 1:20-cv-08292-AS-JW

~~PROPOSED~~ **ORDER APPROVING PLAINTIFF'S
PROPOSED CLASS CERTIFICATION NOTICE**

On December 14, 2023, the Court granted, in part, Plaintiff's Motion for Class Certification (see Dkt. No. 218): and certified the following classes pursuant to Rule 23 of the Federal Rules of Civil Procedure:

Hourly Employees Class: All current and former non-exempt hourly employees of AHRC (the Hourly Employees) in the State of New York at any time from the six years prior to the filing of the Complaint to the entry of judgment in this case excluding employees in the Home Health Department.

Salaried Employees Class: All current and former salaried and overtime eligible employees of ARHC (the Salaried Employees) in the State of New York at any time from the six years prior to the filing of the Complaint to the entry of judgment in this case excluding employees in the Home Health Department.¹

Thereafter, Plaintiff filed a letter motion dated December 30, 2023 ("Plaintiff's Motion"), seeking Court approval of Plaintiff's proposed Class Notice to the Classes. In connection therewith, the Court hereby finds as follows:

Plaintiff seeks Court approval of both the content and format of Plaintiff's proposed Class Notice, as well as Plaintiff's proposed dissemination of the Class Notice to Class Members.

¹ The Hourly Employees Class and Salaried Employees Class are collectively referred to herein as the "Classes." The current and former employees within the Classes are hereinafter referred to as "Class Members."

Specifically, Plaintiff proposes that the claims administrator previously used in connection with Plaintiff's notice to members of the conditionally certified collective, Analytics LLC, disseminate the Class Notice to the Class Members via First Class United States Mail to the last known address of each Class Member (based on records to be provided by Defendant), in addition to dissemination via electronic mail for those Class Members for whom Defendant maintains an email address.

The Court has considered all of the submissions presented with respect to Plaintiff's request.

NOW THEREFORE, after due deliberation and for good cause, this Court hereby ORDERS that:

1. The proposed Class Notice, attached as Exhibit 1 to Plaintiff's Motion, fully and accurately informs the Class Members of the nature of the action; the definition of the Classes; the class claims, issues, and defenses; that a Class Member may enter an appearance through an attorney; how Class Members may opt out of the class; and the effect of a class judgment on the Class Member. *See* Fed. R. Civ. P. 23(c)(2)(B). Accordingly, the Court finds that the proposed Class Notice achieves the goal of providing Class Members with accurate and timely notice concerning the class action status of the lawsuit and their ability to opt out and should be adopted.

2. The Court also finds that Plaintiff's proposal to disseminate the Class Notice via First Class United States Mail to the last known address of each Class Member (based on records to be provided by Defendant), in addition to dissemination via electronic mail for those Class Members for whom Defendant maintains an email address, is the best notice practicable under the circumstances and fully meets the requirements of federal law.

3. Based on the foregoing, the proposed Class Notice and the proposed method of dissemination is hereby approved by the Court.

4. The Court also finds that Analytics, LLC is an appropriate administrator to assist

in the dissemination of the Class Notice.

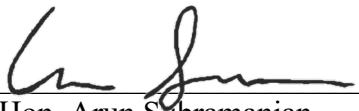
5. Within **fourteen (14)** days after the filing of this Order, Defendant shall provide to Plaintiff's counsel a list of each Class Member, including their last known address, last known email address, last known phone number, dates of employment, current job status, job title, and job facility ("Class List").

6. Within **twenty-one (21)** days of receipt of the Class List, Plaintiff shall cause the Class Notice to be disseminated in accordance with this Order.

7. Class Members shall have **forty-five (45)** days from the mailing of the Class Notice to submit an Opt-out Form.

SO ORDERED.

Dated: January 2, 2024
New York, New York


Hon. Arun Subramanian
United States District Judge